IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE ACTING CHIEF JUSTICE MR.K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WP(C).No. 7820 of 2007(E)

PETITIONER:

M.V.RAGHAVAN, CHAIRMAN,
BOARD OF DIRECTORS OF KERALA STATE
CO-OPERATIVE HOSPITAL COMPLEX AND CENTRE FOR
ADVANCED MEDICAL SERVICES LTD., NO.4386,
KANNUR.

BY ADV. SRI.B.S.SWATHY KUMAR

RESPONDENT:

THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM.

BY SR.GOVERNMENT PLEADER SMT.A.G.ANEETHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.7820 OF 2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE RESOLUTION NO.3 PASSED ON 4.2.2007.

EXT.P2 TRUE COPY OF THE COVERING LETTER NO.AM(E)/1081/2007/KCHC DATED 6.2.2007 TO THE RESPONDENT.

EXT.P3 TRUE COPY OF THE COMMUNICATION NO,M.T.(1) 7094/2007 DATED 24.2.2007 ISSUED BY THE RESPONDENT.

EXT.P4 TRUE COPY OF THE PORTION OF THE BYE LAW

EXT.P5 TRUE COPY OF THE ORDER NO.MT(1)19041/2005 DATED 10.5.2005 ISSUED BY THE RESPONDENT TO THE MANAGING DIRECTOR, KERALA STATE CO-OP.HOSPITAL COMPLEX & CENTRE FOR ADVANCED MEDICAL SERVICE LTD.

EXT.P6 TRUE COPY OF THE ORDER DATED 29.4.2006 CANCELLING CLAUSE 1(A) OF THE BYE LAW

EXT.P7 TRUE COPY OF THE CATEGORICAL STATEMENT OF THE RESPONDENT DATED 26.3.93

RESPONDENT'S EXHIBITS:

EXT.R1(A) TRUE COPY OF THE CIRCULAR NO.38/2004 DATED 13.9.2004.

/ TRUE COPY /

K.S.RADHAKRISHNAN, Ag.C.J. &
M.N.KRISHNAN, J.

W.P.(C) NO.7820 OF 2007

Dated, this the 2nd day of April, 2007

JUDGMENT

Radhakrishnan, Ag.C.J.

Heard learned counsel on either side. We find it unnecessary to decide the legal questions raised before us. Learned counsel appearing for the writ petitioner submitted that they would pass a fresh resolution for the purpose of conducting election within a period of two weeks from today.

In the circumstances we are inclined to dispose of this writ petition leaving it open to the petitioner to pass a fresh resolution for conducting the election in the event of which the Registrar of Co-operative Societies will take steps to appoint a returning officer on receipt of the resolution and take steps to conduct the election.

K.S.RADHAKRISHNAN,
Ag.CHIEF JUSTICE.

M.N.KRISHNAN,
JUDGE.

vns